



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,049	01/31/2002	James Pickel	SVL920010073US1/2305P	3927

7590 01/23/2006
SAWYER LAW GROUP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,049

Applicant(s)

PICKEL ET AL.

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-23, 33 and 35 is/are rejected.
- 7) ☒ Claim(s) 12, 24 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to amendment filed on 10/28/05 in which claims 1-34 are pending.

Response to Arguments

2. As per claim 1, Applicant's argument have been fully considered but they are not persuasive. Applicant argues that Chung fails to teach or suggest "a database managed by a network computer system, wherein the network includes a plurality of database management system (DBMS) members, providing a shared network address for the plurality of DBMS members, and utilizing the shared network address to connect to an active DBMS member". However, it is well known in the art that a DBMS is primarily a server that provides database management services. Furthermore, the specification clearly states "the invention is applicable to any type of server". Applicant argues "while the DBMS member resides on a computer system, it is important to note that a particular member is not necessarily associated with the computer system". However, the claims do not capture the essence of the invention as argued in applicant's remark page 13 of the amendment. Applicants are interpreting the claims very narrow without considering the broad teachings of the reference used in the rejection. The claim language failed to specify such limitations.

As per claim 8, 20 and 30, applicant argues that Chung fails to teach or suggest transmitting to the client a list of active DBMS members from an active DBMS member. However, Chung clearly teaches wherein the watch daemon may notify the dispatcher to modify the dispatching function and all servers may be notified to modify their filtering routines. (See col. 10, lines 36-67.

Therefore, the rejection stand as stated in the previous office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11, 13-23, 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,470,389 to Chung et al.

a. As per claims 1 and 13, Chung et al a method for hosting a network device on a cluster of servers. Furthermore, Chung et al teaches a method for connecting a client to a database managed by a network of computer systems, the method comprising the steps of: a) providing a shared network address for the plurality of DBMS members (See col. 4, lines 19-25, a network service is hosted by a server cluster in which each server includes a primary address and a secondary Ip address. A common cluster address is assigned as the secondary Ip address for each of the server); and b) utilizing the shared network address by the client to connect to an active member of the plurality of members (See col. 4, lines 30-36, The router receives client requests from the Internet, and uses a dispatching technique to direct client requests having the cluster address as a destination).

Art Unit: 2141

b. As per claim 25, Chung et al teaches a system for connecting a client to a database managed by a network of computer systems, the network including a plurality of database management system (DBMS) members, the system comprising: a shared network address for the plurality of DBMS members (See col. 4, lines 19-25, a network service is hosted by a server cluster in which each server includes a primary address and a secondary IP address. A common cluster address is assigned as the secondary Ip address for each of the server); and a network router coupled to the client for utilizing the shared network address to connect the client to an active member of the plurality of members ((See col. 4, lines 30-36, The router receives client requests from the Internet, and uses a dispatching technique to direct client requests having the cluster address as a destination).

c. As per claims 2, 14 and 26, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches wherein the shared network address is common to each DBMS member of the plurality of DBMS members (See col. 5, lines 64-67).

d. As per claims 3, 15 and 27, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al fails teaches wherein the utilizing step (b) further includes the steps of: (b1) submitting a domain name for the database location to a domain name server coupled to the client; (b2) resolving the domain name to the shared network address; and (b3) returning the shared network address to the client from the domain name server (See col. 7, lines 18-29)

Art Unit: 2141

e. As per claims 4, 16 and 28, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches wherein the utilizing step (b) further includes the step of: (b1) sending the shared network address by the client to a network router coupled to the network of computer systems (See col. 4, lines 30-36).

f. As per claims 5, 17 and 29, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches wherein the utilizing step (b) further includes the step of: (b1) determining which ones of the plurality of members located at the shared network address are active (See col. 10, lines 37-67).

g. As per claims 6, 18 and 30, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches wherein the determining step (b1) further includes: (b1i) communicating with a work load manager coupled to the plurality of members, wherein the work load manager monitors the status and workload of each active member (See col. 10, lines 37-67).

h. As per claims 7 and 19, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches wherein the utilizing step (b) further includes the step of: (b2) connecting the client to any one of the active members located at the shared network address (See col. 10, lines 37-67).

i. As per claims 8 and 20, Chung et al teaches the claimed invention as described above.

Furthermore, Chung et al teaches transmitting to the client a list of active members from an

Art Unit: 2141

active DBMS member (See col. 10, lines 37-67).

j. As per claims 9, 21 and 31, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches providing a weighted load for each active member; and (d) identifying a member-specific network address associated with each active member (See col. 4., lines 19-24).

k. As per claims 10 and 22, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches balancing a workload across the active DBMS members based on their respective weighted loads (See col. 10, lines 37-67).

l. As per claims 11 and 23, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches assigning each member in the plurality of members a corresponding member-specific network address, wherein the member-specific network address is associated with the corresponding member regardless of its location (See col. 9, lines 1-22).

m. As per claim 32, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches means for distributing work evenly across the active DBMS members based on their respective weighed loads (See col. 10, lines 37-67).

n. As per claim 33, Chung et al teaches the claimed invention as described above. Furthermore, Chung et al teaches means for assigning a corresponding member-specific network

Art Unit: 2141

address for each DBMS member, wherein the member-specific network address is associated with the corresponding member regardless of its location (See col. 9, lines 1-15).

Allowable Subject Matter

5. Claims 12, 24 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2141

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.


The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner


RUPAL DHARIA
SENIOR PATENT EXAMINER